

831.2.2,

December 1793.

*This copy is a present to me
from the Author.*

Francis Hergrave.

THE
TRANSLATOR
OF
PLINY's LETTERS
VINDICATED.

From the Author

831. v. 2

Bryant (P)
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THE
TRANSLATOR
OF
Plinius Caecilius Secundus (C) [Epistulae - English]
K
PLINY'S LETTERS
VINDICATED

FROM
CERTAIN OBJECTIONS TO HIS REMARKS
RESPECTING
TRAJAN'S PERSECUTION OF THE CHRISTIANS
IN BITHYNIA.

NON ME CUIQUAM EMANCIPAVI, NULLIUS NOMEN FERO; MULTUM MAGNORUM
JUDICIO CREDO, ALIQUID ET ME VINDICO.

SEN. EPIST. XLV.

Bath

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THE
TRANSLATOR
OF
PLINY'S LETTERS
VINDICATED.

“ A Very worthy person and learned writer” having arraigned the author of the following remarks on the two celebrated epistles of Trajan and Pliny respecting the Christians, it is with reluctance he meets the charge; not because he has found reason to change his opinion, but because he is sorry to be under the necessity of defending it against so respectable an opponent:*

“ If we impartially examine this persecution of the Christians, we shall find it to have been grounded on the ancient constitution of the state,

* Mr. Bryant, in a late *Treatise on the Authenticity of the Scriptures and the Truth of the Christian Religion*.

“ and not to have proceeded from a cruel or arbitrary temper in Trajan.
 “ The Roman legislature appears to have been early jealous of any in-
 “ novation in point of public worship; and we find the magistrates,
 “ during the old republic, frequently interposing in cases of that nature.
 “ Valerius Maximus has collected some instances to that purpose, [lib. i.
 “ c. 3.] and Livy mentions it as an established principle of the earlier
 “ ages of the commonwealth, to guard against the introduction of foreign
 “ ceremonies of religion. *Quoties* (says that excellent historian, speaking
 “ in the person of one of the consuls who is addressing himself to the
 “ people) *quoties hoc patrūm avorūque ætate negotium est magistratibus*
 “ *datum, ut sacra externa fieri vetarent? Judicabant enim prudentissimi*
 “ *viri—nihil æque dissolvendæ religionis esse, quam ubi non patriō, sed ex-*
 “ *ternō ritū sacrificaretur.* [Lib. xxxix. c. 16.] It was an old and fixed
 “ maxim likewise of the Roman government, not to suffer any unlicensed
 “ assemblies of the people; and of this Livy also is a voucher: *Majores*
 “ *vestri* (says he) *ne vos quidem nisi quum, &c. forte temere coire noluerunt;*
 “ *Et ubicunque multitudo esset, ibi et legitimum rectorem multitudinis cense-*
 “ *bant debere esse.* [Lib. xxxvi. c. 25.] From hence it seems evident,
 “ that the Christians had rendered themselves obnoxious (not so
 “ much to Trajan, as) to the *ancient* and *settled* laws of the state, by in-
 “ troducing a foreign worship, and assembling themselves without au-
 “ thority.

“ We are not therefore to judge of the proceedings in question, by
 “ the rules we should apply to cases of the same nature in our own
 “ times.

" times. The established religion of the Romans was no other, in the
 " judgment and confession of their best writers, than an engine of state,
 " which could not be shaken without the utmost danger, or rather,
 " perhaps, without the total subversion of their civil government. Ac-
 " cordingly we find them strongly inculcating a tenacious observance of
 " all its rites: *Majorum instituta tueri* (says Cicero) *sacris cæremoniisque*
 " *retinendis, sapientis est.* [De Leg.] Nor is this principle, if the ob-
 " servation of the celebrated Machiavel be just, peculiar to the Roman
 " state, but of universal truth in politics; for he lays it down as a ge-
 " neral maxim, that ' wherever the Religion of any state falls into dis-
 " regard and contempt, it is impossible for that state to subsist long.'
 " [*Mach. Discorsi sopra tit. Liv.*] This case therefore is to be considered
 " in a civil, not a religious view; as a matter of state, not of speculation;
 " wherein the lenity and moderation both of the Emperor and his mi-
 " nister deserve to be applauded, as they are neither of them for pushing
 " the matter as far as they most certainly might, had they acted strictly
 " up to the *ancient* and *fundamental* laws of their country.

" The circumstance that attended the Christian assemblies being holden
 " at an unusual hour (*ante lucem*, as Pliny tells us) seems to have raised
 " a surmise that they were of the Bacchanalian kind. For it is extremely
 " observable, that in the account which the Christians here give of the
 " true design of their meeting, they justify themselves from the very
 " crimes with which the Bacchanalians had been charged; intimating,
 " it should seem, that they themselves had been taxed with the same: *se*
 " *sacramentò*

“*sacramentó non ad scelus aliquod obstringere, sed ne furtia, ne latrocinia, ne adulteria committerent, ne fidem fallerent, &c.* which runs exactly parallel with the accusation against the Bacchanalians, as it stands in Livy: *Nec unum genus, noxæ, stupra promiscua, &c. sed falsi testes, falsa signa testimoniaque & indicia ex eadem officina exibant.*” [LIV. lib. xxxix. c. 8.]

The learned writer “states ten reasons for his *dissenting* from this representation in almost every article,” p. 169: And it is the purpose of this paper to consider as many of them as *essentially* concern the point in question.

It was impossible, He affirms, for these persecutions to have been grounded on the ancient constitution of the Roman state; for how could the police of Rome, and its ancient institutes, affect the people of Bithynia or Pontus? The evidence from Livy is not in the least to the purpose, p. 163;—is incompetent, p. 169.

To establish the objector's position, two facts were incumbent upon him to have proved; first, that the famous *Senatus Consultum Marcianum*, to which the quotation from Livy alludes, was repealed, or if not repealed was confined to Italy; and secondly, that no other law, or *senatus consultum*, of the ancient republic was of force in Bithynia. But as he has not made even the slightest attempt, either by fact or by argument, to support his assertion, the fair conclusion is, that he had nothing of more

more weight to produce than an *unqualified contradiction*, and which may be deemed, perhaps, a *satis pro imperio*. It is evident, however, from various instances in the tenth book of Pliny's epistles, that the excellent Trajan ruled the provinces of Bithynia and Pontus, not by capricious despotism, but by ancient laws, former *senatus consulta*, and the constitutions of his predecessors. *Cautum est*, the Proconsul observes in one of his letters to the Emperor, *Cautum est, domine, POMPEIA LEGE quæ Bithynicis data est* &c. Ep. 83. To which Trajan replies, *Interpretationi tuæ, mi secunde carissime, idem existimo; hætenus edictô divi Augusti novatam esse LEGEM POMPEIAM*. Ep. 84. So likewise, upon another occasion, this cautious governor, thinking it necessary to consult the Emperor, represents to him that *LEGE POMPEIA permissum Bithynicis civitatibus* &c. The rescript is, *Meritò hæsisisti, mi secunde carissime, quid a te responderi oporteret; nam et LEGIS AUCTORITAS [the LEX POMPEIA] et longa consuetudo usurpata contra legem, in diversum movere te potuit. In futurum autem LEX POMPEIA observaretur*. Ep. 116.

That Trajan regulated his supreme authority by the ancient laws and established precedents appears still farther evident by his rescript to Pliny, concerning the removal of certain sepulchral monuments belonging to particular families, which had been ruined by inundations and other accidents: the Emperor's direction is, *sequenda tibi EXEMPLA sunt eorum qui isti provinciæ præfuerunt*. Ep. 74. So again, in another case of difficult decision, Pliny acquaints the Emperor, *respexi ad SENATUS CONSULTUM, pertinens ad eadem genera causarum*, &c. The rescript is, *si mihi SENATUS CONSULTUM miseris, æstimabo an debeas cognoscere* &c. Ep. 78.

The necessary inference from the foregoing authorities seems to be, that the learned objector, less patient, perhaps, to examine, than zealous to confute, looked no farther into Pliny's letters than the two epistles concerning the Christians; for upon any other supposition he could not have ventured so peremptorily to affirm, "*that it was impossible the police of Rome, and its ancient institutes, could affect the people of Bithynia or Pontus!*"

The next objection would have no claim to notice, if it had come from a less distinguished opponent: "*These ancient Christians,*" says the learned writer, "*so far from nobly daring at all hazards to render themselves obnoxious, did every thing in their power to prevent it. For this very reason they rose, as Pliny tells us, ante lucem, before day-light; which is very improperly rendered a suspicious hour of the night. Thousands must have arisen to their occupations at the same season, and have been blameless.*" p. 168.

It must be admitted there were many *officia antelucana* which might bring people abroad at different hours before day-light, without the least hazard of rendering themselves amenable to the magistrate. No person in the least acquainted with the customs and manners of the ancient Romans, can be ignorant that there were various offices of civility and of business, not to mention those of conviviality, which might crowd the streets before the sun appeared above the horizon. Pliny* the elder

* Plin. Ep. iii. 5.

used to wait upon the Emperor Vespasian at midnight, in order to transact business relating to his official employment: Cicero mentions it as a singular instance of vanity in the celebrated Duilius, the first commander who obtained a naval victory over the Carthaginians, that he seemed to affect a kind of nightly triumph by always being preceded by torch-lights, when he appeared in public at midnight:† and Cato, ^{whose virtue} ~~who~~ is said

“Sæpe merô caluisse ~~vires~~,†”

was put to some confusion by being discovered returning from his party ere day-break in a gayer temper than usual.§ But in order to produce these *nightly multitudes* as witnesses for the learned writer's purpose, it should have been proved, not that they were *abroad* while it was yet dark, but that some of them were *then secretly* assembled.

The learned writer insists, however, “*there was no law against them when they were at first so cruelly used by Pliny and Trajan. The particular prohibitions quoted, related to ancient Rome, and not to Pontus or Bithynia.*” p. 169.

To prevent all unlicensed assemblies, especially those which were holden *ante lucem*, was amongst the first and most invariable principles of the Roman legislature, from the most remote period of that government to the æra under consideration. There was a law against them as early

† De Senect.

† Hor. Od. 21, lib. iii.

§ Plin. Ep. 12, lib. iii.

as the reign of Tarquin the Second;* they were restrained by an article of the Twelve Tables; and by several subsequent laws. The dread of all *nightly meetings*, as a celebrated civilian observes, was constant; they began with it when they began to be a people, and they continued it afterwards, whatever other changes their government underwent.† They were equally prohibited by Trajan, as appears by several of his *rescripts* to Pliny. Thus the latter having occasion to consult the Emperor, in consequence of a terrible fire that had destroyed a considerable part of Nicomedia, the capital of the province, requests permission to establish a company of fire-men, to consist only of 150 members. The reply is, *Tibi quidem secundum exempla complurium* [sc. urbium] *in mentem venit, posse collegium fabrorum apud Nicodemenses constitui, sed meminerimus provinciae istae, et praecipue eas civitates ejusmodi factionibus esse vexatas. Quodcunque nomen ex quacunque causa dederimus iis, qui in idem contracti fuerint, heteriae, quamvis breves, fient. Satius itaque est comparari ea quae ad coercendas ignes auxilio esse possint.* x. 44. So likewise ep. 118, *MERITO VERERIS ne in speciem DIAMOERIES incidat invitatio quae in NUMERO MODUM excedit; et quasi per CORPORA, non viritim singulos, ex notitia ad sportulas contrahit.* Upon the same principle his rescript to Pliny, relating to a charitable society established at Amifus, a considerable city in Pontus, is expressed in the following terms: *Amifenos, quorum libellum epistolae tuae subjunxeras, si legibus istorum, quibus de officio fœderis utuntur, concessum est Eranos habere, possumus, quo minus habeant, non impedire;*

* Dio. Hal. iv. 43.

† Taylor's Elem. of Civil law, p. 569, 570.

eo facilius si tali collatione, non ad TURBAS et ILLICITOS COETUS, ad sustinendam tenuiorum inopiam utuntur. In cæteris civitatibus quæ NOSTRÆ JURE obstrictæ sunt, res hujusmodi PROHIBENDA est. x. 94. So far therefore from its being a fact, as the learned writer asserts, that there was no law against Christians meeting together at the time and under the circumstances mentioned, that the reverse is precisely the truth.

In farther support of this position, the *Senatus Consultum Marcianum** may be considered as an additional proof; not only as the terms *convovisse, conspondisse, fidem dedisse, &c.* but the express clause, *sacra in occulto ne quisquam fecisse velit*, may fairly be construed to extend to the Christian fraternities in Bithynia. For, this decree (a duplicate of which still exists in the Imperial library at Vienna) was doubtless sent to all the great corporations of the Roman empire existing at the time of its being enacted; and as its principle is founded upon the ancient constitution of the state, its spirit cannot be supposed to have operated exclusively in any part of the Roman dominions. This presumption rises in strength when it is remarked, that Cicero adopted a similar law in his excellent dialogue on jurisprudence: *separatim nemo habessit deos, neve novos; sed nec advenas, nisi PUBLICE adscitos, privatim colunto.*†

The learned objector proceeds to observe, that *it was forbid, (forbidden) according to Livy, to introduce any foreign ceremonies or sacrifices.*

* See a copy of this decree in Taylor's Elements of Civil Law, p. 549.

† De Leg. ii. 3.

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But the Christians used no foreign sacrifices, not even in Bithynia: nor did they sacrifice at all. This ancient law could not in any degree affect them. All that is quoted to this purpose is incompetent. p. 169.

1410 It is certain that every mode of sacrificial worship was abolished by the Christian dispensation, and no rite of that kind could ever have been an article of just accusation against the genuine disciples of its divine author; nevertheless, the passage from Livy is *competent* to the purpose for which it was cited: for, it proved that the Roman legislature had early guarded against every innovation both in the object and the ritual of its sacred ordinances. Upon this principle, as well as upon others stated in the foregoing remarks, the existing government could not but look with a jealous eye upon the clandestine assemblies of the Christians; suspecting that they performed in them certain illegal modes of sacrificial oblation. And it should seem that this suspicion was not altogether without reason; as among the early converts to Christianity, *there were many thousand Jews who were all zealous of the law of Moses,*† and held that its sacred ordinances were in no respect superseded by the New Covenant. It is true, even these Judaizing Christians could not in strict construction have offended the law under consideration, because every kind of legal sacrifice necessarily ceased with the destruction of their temple. But this is a circumstance of their law of which Trajan may well be supposed totally ignorant, as indeed the Romans in general were of the distin-

† Acts xxi. 10: see Whitby in loc. and Lock on the Epistles.

guishing tenets of the Christian Religion; for, by a fatal mistake, they looked upon the Christians as merely a novel sect lately added to the many others which at various times had arisen in the Jewish polity. The result, however, of their examination before the Proconsul could not tend to convince the Emperor that the suspicion was groundless; because the sacred functions confessedly performed in their nocturnal assemblies,* were expressed in terms appropriated to the Roman ritual and juridical code, and, as adopted by the Christian converts, were certainly commemorative of an actual *sacrifice*.

It is farther objected, that when the author of the remarks under discussion says "*that the Christians rendered themselves obnoxious by not joining in communion with the established worship, an unwary reader might be led to think, the Romans had a ritual like those in the different Christian churches to which people were obliged to subscribe. But nothing of this sort was to be found among the Romans.*" p. 170.

To guard against the misapprehension of an *unwary* reader is impossible, but an *attentive* reader could not have been led into the imputed conclusion: no person, in the least acquainted with the religious jurisprudence of ancient Rome could infer from the words quoted, the absurdity charged upon them. It is certain, from the particular epistle in question,

* *Adfirmabant, quod essent soliti stato die convenire, CARMENQUE Christo quasi Deo dicere secum invicem, seque SACRAMENTO obstringere.* x. 97. The *carmen* in the Roman ritual was a hymn which usually concluded the *sacrificial* offering, as the *sacramentum* in the juridical code was a solemn and sacred engagement to perform certain specified duties.

that

that a religious test was required of those who were accused of being Christians, before they could obtain their discharge; a test indeed *sui generis*, and of a nature totally different from those which are demanded by any Christian establishment: they were required to join with the magistrate in worshipping the gods and offering incense to Trajan's statue. *Propositus est libellus, multorum nomina continens qui negant se^{esse} Christianos;—cum praeunte me Deos appellarent et imagini tuae thure et vino supplicarent—* DIMITTENDOS putavi. x. 97.

And upon what authority can it be asserted, that there was no uniform mode of worship at Rome? when the law of the Twelve Tables is so express, and we know that Augustus passed a law which obliged all senators before they took their places to *qualify themselves*; that is, to offer frankincense and wine upon the altar of those gods in whose temple they met: a ceremony which could not be evaded, the Roman senate always assembling in some consecrated place.

“But nothing of this sort,” continues the objector, “was to be found among the Romans. They had a multiplicity of deities; and “people in general might serve all, or any, or none,” p. 171.

It is painful to be under a necessity of dissenting from the opinion of a very worthy person, whose learning has the most undoubted claim to

* Sueton. in Vit. August. c. 35.

respect; the fact, however, is, on the evidence of the best authorities, *0171* that the administration of public worship was regulated by public authority, and by no means left to the capricious choice of each individual votary.

The *Pontifex Maximus*, an officer of supreme controul in these matters, was first established by Numa; and his power, together with certain colleagues afterwards added, continued from the reign of that prince through all the subsequent changes of the Roman government. His function, among other articles of ecclesiastical superintendency, was to determine, *quibus hostiis, quibus diebus, ad quæ templa, sacra fierent, atque unde in eos sumptus pecunia erogaretur, cætera quoque omnia publica privataque; ut esset quo consultum plebes veniret: ne quid juris divini, negligendo patrios ritus perigrinosque adsciscendo, turbaretur.*" Liv. i. 2. *e*

It appears, therefore, that the Roman government was ever jealous of all innovation in the established modes of public worship; and no man was permitted to make his offerings to what God and in what manner he pleased, without a special licence. The prosperity of the nation was supposed to depend upon the precise discharge of its instituted rites; and it is upon this principle that Cicero's reasoning in his oration *De Harusp. Respon.* chiefly turns. Upon the whole, therefore, the just and evident conclusion is, that the ecclesiastical laws of ancient Rome guarded the religion of the state, by the severest prohibitions, against every kind of deviation from its antient ordinances.

HAVING now followed the learned opponent through as many of his several objections as *essentially* affect the question in debate, the Translator cannot close his defence without expressing much surprise to find himself committed with the *author* of a "Treatise on the Truth of the Christian Religion." If, indeed, he had advanced any opinion which tended by fair inference to weaken the evidence of divine revelation, he would have kissed the rod, and acknowledged the justice of the correction. But this able advocate of the most important of all causes appears to have been alarmed by a phantom of his own imagination; for there is no position in the remarks he has *endeavoured* to confute which can, by any legitimate mode of reasoning, be construed to weaken even the slightest link of that strong chain of evidence, upon which the authenticity of divine revelation depends: on the contrary, the more intolerant the ecclesiastical laws of ancient Rome are proved to have been,* the more forcible is the conviction arising from the testimony and sufferings of the primitive martyrs. The obvious truth is, that the sole purpose of the position which the *very worthy person* thought himself *obliged* to controvert is, to vindicate the moral characters of Trajan and Pliny respecting their conduct towards the Christians in Bithynia, by evincing that it was not the Emperor and the Proconsul, but the ancient and established

* Sir George Colebrook has lately discussed this subject with great erudition in the 4th of his very ingenious and satisfactory Letters on INTOLERANCE.

laws of the state, that were *oppressive* and *cruel* to the devoted and innocuous converts in that province. In fact, Trajan ordained no new edict concerning them; and, agreeably to that lenity which distinguished his government in every part of his extensive empire, he forbade Pliny to receive *anonymous* informations, or to molest them by *officious* prosecutions. Benignity, indeed, was so eminently conspicuous amid the more splendid qualities of his princely virtues, that it became an invariable custom during many subsequent centuries after his death, to add to the usual votive acclamations on the accession of a new Emperor,† *SIS MELIOR TRAJANO!*

† Hujus tantum memorie delatum est, ut usque ad nostram ætatem non aliter in senatû principibus acclamatur &c. Eutrop. viii. 5.



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